Mr Patrick Littaye

To: Judge Cecelia G. Morris
United States Bankruptcy Court
Southern District of New York

January 12, 2024
Adv. Pro. No. 08-1789 (CGM)
Motion to withdraw as counsel

Madam the Judge,

Following my last letter of November 6, 2023, I would like to provide additional details.

As I have already clarified, I am neither bilingual nor a lawyer and have no expertise in legal or procedural matters whatsoever, particularly American ones, any more than the lawyers who have been able to accompany me in other country following the bankruptcy of BLMIS.

I would like to share with you my concern and my incomprehension regarding this procedure.

Indeed, I understand that the KATTEN firm asks form being authorized to withdraw from the procedure and stop representing the ACCESS entities and myself, thus leaving them without a lawyer and without any means of asserting their defense.

It is completely illusory and, not to say unrealistic, to think of finding new advice.

Which new counsel would be competent and authorized and would agree to usefully resume my defense in the situation in which I find myself in a case which has lasted for 14 years in view of facts invoked dating back for the oldest to at least more than 30 years in unaware of the activities of the ACCESS entities and the procedure, it being specified that its parties are without activity and without income?

Moreover, no solution was offered to me for this purpose.

Beyond this major and crucial problem, I do not understand how the procedure is likely to continue if the ACCESS entities and myself who have been without activity and income for many years and/or in liquidation and have no legal or procedural competence no longer have a lawyer.

I do not understand why I am kept in this procedure and potentially without means of being represented and usefully defended when no natural person in my case is now present in the procedure carried out by the Trustee who has renounced and abandoned his requests:

- against all natural persons and in particular those who had the status of administrators of the LUXALPHA SICAV since its creation,
- against several ACCESS entities which were in liquidation (ACCESS PARTNERS SUISSE and ACCESS EUROPE LIMITED).

I understand this all the less since since the start of the procedure, it has been established that the sums on behalf of the GROUPEMENT FINANCIER and LUXALPHA funds:

- Have been addressed to BLMIS as sub-custodian under a contract subject to Luxembourg law and the jurisdiction of the Luxembourg courts and have at no time become the property of BLMIS, which the Trustee knows perfectly well to hold the all corresponding documentation;

- Were greater than the sums returned by BLMIS to exclusively ensure redemption requests from investors in the funds concerned, the ACCESS entities and myself having never received the slightest sum from BLMIS, which the Trustee knows perfectly well to hold the all the corresponding documentation.

There are therefore no sums belonging to BLMIS transferred to any of the defendants, nor any retransfers of said sums to the latter. So what can be the relevance of this procedure if there is no transfer and retransfer of sums belonging to BLMIS?

I do not dare to believe that the Trustee is maintaining this procedure to exhaust the parties and push them into negotiation with regard to the astronomical fees that they have incurred or will have to incur (when they still have the means), while BLMIS does not only returned a small part of the entrusted sums belonging and having always belonged to the GROUPEMENT FINANCIER and LUXALPHA funds. Both funds remain significant losers from the BLMIS bankruptcy.

I am extremely worried as the situation seems insoluble to me. It is true that I no longer have the means to present the fees requested by KATTEN which has always represented me, and have always represented the ACCESS entities, but I am extremely shocked because to date no solution has been presented to me for ensure my defense, which is my most basic right.

At the risk of repeating myself, I hope that the right to defense which is fundamental and essential is respected and that the KATTEN Firm ensures a full, useful and total defense, especially since the Trustee's assertions supporting his requests have been strongly contested and still are. I also draw your attention to the fact that after more than 14 years of procedure no document has been established to establish that BLMIS would have sent, to ACCESS entities, to myself or to others, sums from which BLMIS would have had the property and which would have been greater than the sums received by the latter.

This situation seems to me to be perfectly irregular and infringing on my rights, it being noted that the Trustee has been conducting this procedure for 14 years, has, on several occasions, been rejected in its requests and has never compensated the parties having incurred extremely substantial fees to defend to the point of having exhausted all their resources.

At what point will the parties who have already won on a substantial part of the initial claims made against them be reimbursed for the costs and fees they have incurred by the Trustee who has unlimited funds to continue the proceedings despite the situation that he knows?

How the Trustee without being penalized can change permanently and, without consultation or agreement of anyone modified the scope of the procedure both in the parties present therein and in the requests formulated as well as in their notably evidentiary bases while contradicting itself without shame?

All this seems unbearable, unjust and unfair to me and I admit to being totally tested over all these years and exhausted both mentally and physically.

When will all this stop? After having been skillfully maintained for years in the belief in the competence and honorability of Madoff not only recognized but also acclaimed for all American institutions and called to the most important functions of the financial sector, after having believed in the powers and

qualities of American supervisory authorities and in particular the SEC, after having invested all of the available assets of ACCESS in the funds a few weeks or even a few days before the explosion of the Madoff scandal and having lost everything, how can we continue to undergo the procedures of the Trustee who is careful not to provide the elements he holds?

You will find, as a courtesy and as for my previous letter, attached a translation of this letter produced by Google translate, of which I do not have the means to ensure its consistency and value and which perhaps includes errors and informs you that the French version is the one that more accurately reflects my words.

Finally, since I have no other choice, I rely on your great wisdom and hope to be able to be confident that you will ensure respect for the rights of which you are guardian.

Remaining at your disposal for any further information.

Please accept, Madam Judge, my sincere greetings.

Patrick LITTAYE